

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA I. PAYNE,

Plaintiff

v.

JOHN DOE #1, *et al.*,

Defendants

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1:22-CV-1876
(JUDGE MARIANI)

FILED
SCRANTON

MAY 16 2023

PER  DEPUTY CLERK

ORDER

AND NOW, THIS 15th DAY OF MAY, 2023, upon review of Magistrate


Judge Martin C. Carlson's Report & Recommendation ("R&R") (Doc. 16) for clear error or manifest injustice,¹ **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 16) is **ADOPTED** for the reasons stated therein.
2. Defendants' Motion to Dismiss, filed by Defendants Hauser, Mook, and White (Doc. 10) is **GRANTED**.² Plaintiff's federal constitutional claims are **DISMISSED WITH PREJUDICE**.

¹ On April 6, 2023, Plaintiff requested an extension of time to file objections to the pending R&R (see Doc. 17). This Court granted Plaintiff's motion and ordered all objections to be filed on or before May 3, 2023 (Doc. 18). Despite this extension of time, Plaintiff has failed to file any objections.

² The Court notes that Plaintiff also named John Doe #1-3 as defendants in this action. However, where this Court has found that Plaintiff has failed to state a constitutional claim for violating his due process rights, the federal claims against John Doe #1-3 also must be dismissed.

3. Pursuant to 28 U.S.C. § 1367(c)(3), the Court **DECLINES** to exercise supplemental jurisdiction over Plaintiff's state law claims. Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk of Court is directed to **CLOSE** the above-captioned action.



Robert D. Mariani
United States District Judge